

1 HANSON BRIDGETT LLP
2 KURT A. FRANKLIN, SBN 172715
3 kfranklin@hansonbridgett.com
4 SAMANTHA WOLFF, SBN 240280
5 swolff@hansonbridgett.com
6 JENNIFER ANIKO FOLDVARY, SBN 292216
7 jfoldvary@hansonbridgett.com
8 425 Market Street, 26th Floor
9 San Francisco, California 94105
10 Telephone: (415) 777-3200
11 Facsimile: (415) 541-9366

7 HANSON BRIDGETT LLP
8 TYSON M. SHOWER, SBN 190375
9 tshower@hansonbridgett.com
10 LANDON D. BAILEY, SBN 240236
11 lbailey@hansonbridgett.com
12 500 Capitol Mall, Suite 1500
13 Sacramento, California 95814
14 Telephone: (916) 442-3333
15 Facsimile: (916) 442-2348

12 OTTEN LAW, PC
13 VICTOR OTTEN, SBN 165800
14 vic@ottenlawpc.com
15 KAVITA TEKCHANDANI, SBN 234873
16 kavita@ottenlawpc.com
17 3620 Pacific Coast Highway, #100
18 Torrance, California 90505
19 Telephone: (310) 378-8533
20 Facsimile: (310) 347-4225

21 Attorneys for Plaintiffs
22 CORY SPENCER, DIANA MILENA
23 REED, and COASTAL PROTECTION
24 RANGERS, INC.

25 **UNITED STATES DISTRICT COURT**
26 **CENTRAL DISTRICT OF CALIFORNIA, WESTERN DIVISION**

27 CORY SPENCER, an individual;
28 DIANA MILENA REED, an
individual; and COASTAL
PROTECTION RANGERS, INC., a
California non-profit public benefit
corporation,

Plaintiffs,

CASE NO. 2:16-cv-02129-SJO (RAOx)
**DECLARATION OF CARL MARSCH
IN SUPPORT OF PLAINTIFFS'
MOTION FOR CLASS
CERTIFICATION**

Judge: Hon. S. James Otero
Date: February 21, 2017
Time: 10:00 a.m.
Crtrm.: 10C. 1st Street Courthouse

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3 LUNADA BAY BOYS; THE
4 INDIVIDUAL MEMBERS OF THE
5 LUNADA BAY BOYS, including but
not limited to SANG LEE, BRANT
BLAKEMAN, ALAN JOHNSTON
6 AKA JALIAN JOHNSTON,
MICHAEL RAE PAPAYANS,
ANGELO FERRARA, FRANK
7 FERRARA, CHARLIE FERRARA,
and N. F.; CITY OF PALOS
8 VERDES ESTATES; CHIEF OF
9 POLICE JEFF KEPLEY, in his
10 representative capacity; and DOES
11 1-10,

13 | Defendants.

Complaint Filed: March 29, 2016
Trial Date: November 7, 2017

15 || I, Carl Marsch, declare as follows:

16 1. I am a long-time Southern California resident. I grew up in
17 Redondo Beach, California, and currently reside in San Pedro, California,
18 which is about 11 miles from Lunada Bay. I have lived in San Pedro for the
19 past 25 years. I have personal knowledge of the matters stated in this
20 declaration and, if called as a witness, could and would testify competently
21 as to its contents

22 2. I started surfing in 1959, before the sport was as popular as it is
23 today. At that time, Lunada Bay was open to anyone who wanted to surf.
24 Lunada Bay was a mecca for wonderful waves in the winter. Whereas other
25 locations like Hermosa Beach might only get swells as high as 6 or 7 feet,
26 Lunada Bay could get waves as high as 10 to 12 feet. I surfed in the area
27 routinely, enjoying its pristine beauty and powerful waves.

28 3. In the winter of 1995, I was verbally assaulted by one of the

1 locals when I attempted to surf at Lunada Bay. I was about 52 years old at
2 the time and had paddled out into the ocean to catch a few waves. I was
3 waiting "outside of the line-up," which means that I was not in position to
4 catch the next wave. The line-up is where surfers sit and wait for the next
5 set of waves to begin to break. The larger the wave, the farther out it will
6 break. As I waited patiently outside of the line-up for one of the larger
7 waves, a man in his 20s from Lunada Bay paddled up and began verbally
8 harassing me for no reason. He told me, "You belong at the Cove with the
9 slow waves," and yelled at me to "Get the fuck out of here." I tried to ignore
10 the man, but he persisted in verbally attacking me. The man then
11 threatened me, saying "I'm not going to kick your ass because you're too
12 old." At that point, fearing for my safety, I exited the water.

13 4. I was so angry when I got out of the water that I climbed the trail
14 closest to the water, rather than using the standard trail which allows for a
15 much safer ascent. Even though the nearest trail is steeper and much more
16 treacherous than the standard trail, I wanted to leave the area as quickly as
17 possible because I felt threatened. Not surprisingly, I almost injured myself
18 when trying to climb up the steep trail while carrying my long board.

19 5. I have not returned to surf at Lunada Bay since the verbal
20 assault in 1995. The men at Lunada Bay showed such disregard for the
21 safety of other surfers, both in and out of the water, that I no longer felt safe
22 surfing there.

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1 6. I would love to see Lunada Bay opened up to the public again,
2 where people could enjoy the beach and surf freely without fear of verbal or
3 physical attack. That is how Lunada Bay used to be back in the 1960s, and
4 I would like to see it go back to that again. If it were safe to visit, I would
5 likely visit at least two to three times per year. But unless I could be assured
6 that the harassment and intimidation would stop, it is unlikely that I will ever
7 return to Lunada Bay to surf again.

8 I declare under penalty of perjury under the laws of the United States
9 of America that the foregoing is true and correct.

10 Executed in San Pedro, California on December __, 2016.

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CARL MARSCH

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Carl Morsch

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